

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ROBERT DAVID DEAN,)
)
PLAINTIFF,)
)
V.) CASE NUMBER:
)
THE UNITED STATES)
OF AMERICA,)
)
DEFENDANT.)

**ORIGINAL COMPLAINT FOR DAMAGES UNDER THE FEDERAL TORT CLAIMS
ACT**

Robert David Dean, Plaintiff, by and through his attorney R. Edward Massey, III, now comes before this Court and brings this action against the defendant, United States of America, pursuant to the Federal Tort Claims Act, 28 U.S.C.A. § 2679 as follows:

I.

JURISDICTION, VENUE AND CONDITIONS PRECEDENT

1. Plaintiff resides at 2652 Kossow Street, Mobile, Alabama (Mobile, County, AL.) and thus is a resident within the jurisdiction of the Southern District Court of Alabama, Southern Division.
2. The claims herein are brought against the United States pursuant to the Federal Tort Claims Acts 28 U.S.C. §1346(b), § 1402(b), § 2401(b), and §§ 2671-2680, for money damages as compensation for personal injuries and property damage that were caused by the negligent and wrongful acts and omissions of employees of the United States Government while acting within the scope of their office and employment, under circumstances where the United States, if a private citizen would be liable to the Plaintiff in accordance with the laws of the State of

Alabama.

3. Venue is proper in that all, or a substantial part, of the acts and omissions forming the basis of this claim occurred in the Southern District of Alabama, and arose from the negligent conduct by the United States Government and its agents on or about September 9, 2016.

4. Plaintiff has fully complied with the provisions of 28 U.S.C. §2675 of the Federal Tort Claims Act.

5. This suit has been timely filed in that Plaintiff timely served notice of his claim on the United States Postal Service on September 3, 2021. The U. S. Postal Service assumed responsibility for processing the claim on September 13, 2022. The U.S. Postal Service has not issued a letter denying the claim in U.S.P.S. Case No. 350-20-00478362B, NTC File No. NT202170152.

II.

FACTS FORMING THE BASIS OF THE CLAIM

6. Plaintiff, Robert David Dean received serious personal injuries after being struck by a U. S. Postal Service vehicle negligently driven by U.S. Postal Service employee India Symone Roberts. The Plaintiff was driving on Tanner Williams Road when the U.S. Postal Service employee backed the postal truck from a driveway into the path of the Plaintiff.

7. Donna India Symone Roberts was an employee of U. S. Postal Service and therefore a claim for negligence may be pursued against the United States.

8. Robert David Dean would be entitled to pursue these claims under the Laws of the State of Alabama, including but not limited to, claims in the nature of negligence and/or wantonness.

9. The claims of Robert David Dean are based upon the facts and events set forth below, all of which actions were taken (and events were caused) by a U. S. Postal employee and an agent of

the United States Government while acting within the scope of her employment.

- a) India Symone Roberts, in her capacity as a U.S. Postal Service employee, negligently and/or wantonly operated her vehicle in such a fashion as to allow it to strike Plaintiff, Robert David Dean, while he was driving his vehicle on the public right-of-way known as Tanner William Road, Alabama.
- b) As a proximate result of the negligence and/or wantonness on the part of the United States Postal Service employee Robert David Dean, the Plaintiff suffered injuries to his right shoulder, right elbow, left knee, left forearm, and neck; he was caused to incur substantial medical expenses; he lost wages; and he suffered loss of the \$500.00 deductible for property damage.

III.

CLAIM - VIOLATION OF 28 U.S.C. §1346(b)(1)

- 1. Plaintiff incorporates by reference herein allegations set forth above.
- 2. The acts and events set forth above constitute negligence and/or wantonness under the Laws of the State of Alabama. Because these acts and events were undertaken and caused by an employee and agent of the United States, the United States Government is liable for all damages caused by such acts as provided by 28 U.S.C. §1346(b)(1).

IV.

DAMAGES

- 1. Plaintiff incorporates by reference herein allegations set forth above.
- 2. Plaintiff has suffered the following injuries for which he seeks full compensation under the law.
 - a) Medical expenses incurred as the result of injuries suffered in the incident; and

- b) Pain, suffering, and mental anguish in the past and pain, suffering and mental anguish in the future.
- c) Loss of past and future income.
- d) Loss of value of his property.

V.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff is entitled to damages from the United States, and he hereby prays that judgment be entered in his favor and against the United States Government as follows:

- 1) Compensatory damages for medical expenses, pain and suffering and mental anguish in the sum of \$250,000.00 and \$500.00 for property loss;
- 2) Cost of prosecuting this action; and
- 3) Such other damages as the Court deems appropriate.

Respectfully submitted,

/s/ R. Edward Massey, III
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